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APPLICATION NO.	FILING DATE	FIRST NAMED.INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,532	05/20/2002	Rolf Hartung	EF377398953US	4148
21003	7590 10/24/2006		EXAMINER	
BAKER & BOTTS		KEENAN, JAMES W		
30 ROCKEFELLER PLAZA			ART UNIT	PAPER NUMBER

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/030,532	HARTUNG, ROLF	
Examiner	Art Unit	
James Keenan	3652	

The MAILING DATE of this communication	appears on the cover sheet	with the correspondence	address
THE REPLY FILED 13 October 2006 FAILS TO PLACE	THIS APPLICATION IN CONDI	TION FOR ALLOWANCE.	•
1. The reply was filed after a final rejection, but prior to this application, applicant must timely file one of the places the application in condition for allowance; (2 a Request for Continued Examination (RCE) in cor time periods:	e following replies: (1) an amen 2) a Notice of Appeal (with appe	dment, affidavit, or other e al fee) in compliance with	evidence, which 37 CFR 41.31; or (3)
a) The period for reply expires 3 months from the maili	ng date of the final rejection.		
b) The period for reply expires on: (1) the mailing date of no event, however, will the statutory period for reply	of this Advisory Action, or (2) the da expire later than SIX MONTHS from	the mailing date of the final	rejection.
Examiner Note: If box 1 is checked, check either box TWO MONTHS OF THE FINAL REJECTION. See N	IPÉP 706.07(f).		
Extensions of time may be obtained under 37 CFR 1.136(a). The nave been filed is the date for purposes of determining the pericular and CFR 1.17(a) is calculated from: (1) the expiration date set forth in (b) above, if checked. Any reply received by the Offinary reduce any earned patent term adjustment. See 37 CFR 1 NOTICE OF APPEAL	od of extension and the correspondi of the shortened statutory period fo ice later than three months after the	ng amount of the fee. The ap or reply originally set in the fin	opropriate extension fee al Office action; or (2) as
 The Notice of Appeal was filed on <u>13 October 2006</u> the date of filing the Notice of Appeal (37 CFR 41.3 appeal. Since a Notice of Appeal has been filed, an AMENDMENTS 	37(a)), or any extension thereof	(37 CFR 41.37(e)), to avo	id dismissal of the
3. $oxed{oxed}$ The proposed amendment(s) filed after a final reje	ection, but prior to the date of fill	ng a brief, will not be ente	red because
(a) They raise new issues that would require furt		n (see NOTE below);	
(b) ☐ They raise the issue of new matter (see NOT			
(c) They are not deemed to place the application appeal; and/or	n in better form for appeal by ma	aterially reducing or simpli	fying the issues for
(d) They present additional claims without cance	eling a corresponding number o	f finally rejected claims.	
NOTE: See Continuation Sheet. (See 37 C	FR 1.116 and 41.33(a)).		
4. The amendments are not in compliance with 37 C		of Non-Compliant Amenda	ment (PTOL-324).
5. 🔯 Applicant's reply has overcome the following reject		•	•
6. Newly proposed or amended claim(s) woul non-allowable claim(s).			ndment canceling the
 For purposes of appeal, the proposed amendment how the new or amended claims would be rejected 			d an explanation of
The status of the claim(s) is (or will be) as follows:			
Claim(s) allowed: Claim(s) objected to:			
Claim(s) rejected: 17,18,21,22,25,26,28 and 31. Claim(s) withdrawn from consideration:		·	
AFFIDAVIT OR OTHER EVIDENCE			
 The affidavit or other evidence filed after a final act because applicant failed to provide a showing of go was not earlier presented. See 37 CFR 1.116(e). 			
9. The affidavit or other evidence filed after the date of entered because the affidavit or other evidence fail showing a good and sufficient reasons why it is ne	led to overcome <u>all</u> rejections u	nder appeal and/or appella	ant fails to provide a
10. ☐ The affidavit or other evidence is entered. An exp REQUEST FOR RECONSIDERATION/OTHER	lanation of the status of the clai	ms after entry is below or	attached.
11. The request for reconsideration has been consider	ered but does NOT place the ap	plication in condition for a	llowance because:
12. Note the attached Information Disclosure Statement	ent(s). (PTO/SB/08) Paper No(s	s) \	,
13. ☑ Other: <u>See Continuation Sheet</u> .	,	Han 1	leen.
•		James Keen Primary Exan	

✓ Art Unit: 3652

Continuation of 3. NOTE: At least the amendment to claim 31 raises new issues and/or the issue of new matter...

Continuation of 5. Applicant's reply has overcome the following rejection(s): Changing "in front" to "outside" in claim 1 overcomes that portion of the 112/2 rejection.

Continuation of 13. Other: Applicant's request for an interview will not be granted. A final rejection closes prosecution. Furthermore, a total of five Office actions have been sent out in this case. The issues as well as the examiner's position are well defined.